

CLEAN AIR ACT7-38. Prevention of Significant Deterioration: Administrative Enforcement

1. **AUTHORITY.** Pursuant to the Clean Air Act, to issue orders, pursuant to Sections 113(a)(5) and 167 to prevent construction or modification of a major emitting facility which does not conform to the requirements of Part C, Title I, or which is proposed for construction or modification in any area included in the list promulgated pursuant to Section 107(d)(1)(D) or (E) and which is not subject to an implementation plan that meets the requirements of Part C, Title I.
2. **TO WHOM REDELEGATED.** Director, Enforcement and Compliance Assurance Division.
3. **LIMITATIONS.**
 - a. Any official exercising this authority must consult with the assistant administrator for the Office of Enforcement and Compliance Assurance before exercising this authority.
 - b. Any official exercising this authority must obtain the advance concurrence of the regional counsel or designee on the legal sufficiency of the action before exercising this authority. The RC may waive concurrence in writing.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Injunctive relief is covered by the Chapter 7 delegations entitled "Civil Judicial Enforcement Actions, Including Collection Actions" and "Emergency Temporary Restraining Orders."



Debra H. Thomas
Acting Regional Administrator

APR 29 2019

Date